

ORDINANCE NO. 98-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT; MODIFYING FUTURE LAND USE ATLAS PAGE 78 BY CHANGING A 3.86 ACRE PARCEL OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND ENGLE ROAD, APPROXIMATELY ¼ MILE EAST OF CONGRESS AVENUE, FROM COMMERCIAL WITH AN UNDERLYING HIGH RESIDENTIAL 8 TO INDUSTRIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

1 **WHEREAS**, the Palm Beach County Local Planning Agency conducted
2 a public hearing on March 13, 1998, to review the proposed
3 amendment to the Palm Beach County Comprehensive Plan and made a
4 recommendation regarding the proposed amendment to the Palm Beach
5 County Board of County Commissioners pursuant to Chapter 163, Part
6 II, Florida Statutes at the conclusion of the public hearing; and

7 **WHEREAS**, the Palm Beach County Board of County Commissioners,
8 as the governing body of Palm Beach County, conducted a public
9 hearing pursuant to Chapter 163, Part II, Florida Statutes, to
10 review the recommendation of the Local Planning Agency; and

11 **WHEREAS**, the Palm Beach County Board of County Commissioners
12 has determined that the amendment complies with all requirements of
13 the Local Government Comprehensive Planning and Land Development
14 Regulation Act.

15 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
16 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

17 **Part I. Amendment to the Future Land Use Atlas of the Land**
18 **Use Element of the 1989 Comprehensive Plan**

19 An Amendment to the Land Use Element's Future Land Use Atlas
20 of the Palm Beach County 1989 Comprehensive Plan, is hereby adopted
21 as follows:

22 A. Future Land Use Atlas page 78 is amended as follows:

23 Application No.: 98 - SCA 78 IND 2 (Safe & Secure)

24 Amendment: From 3.86 acres of Commercial with an
25 underlying High Residential 8 (C/8) to
26 Industrial (IND).

27 General Location: Northwest corner of Lake Worth Road and
28 Engle Road, approximately ¼ mile east of
29 Congress Avenue.

30 Size: 3.86 acres

1 B. The amendment is subject to the following conditions:

2 1. That the site be limited to the following uses, as
3 defined in the Palm Beach County Unified Land Development
4 Code:

5 a. self-service storage;

6 b. warehousing; and,

7 c. warehousing accessory offices.

8 Any request for a change in the permitted uses shall
9 require an amendment to the Palm Beach County
10 Comprehensive Plan.

11 2. The property owner shall enter into a Standard
12 Wastewater Development Agreement (SDA) with the Palm
13 Beach County Water Utilities Department within thirty
14 days of final zoning approval, and pay all applicable
15 fees. Within the Special Conditions section of the SDA,
16 the following language shall be added: The property owner
17 agrees to convert from his existing private septic system
18 to the Palm Beach County Water Utilities Department
19 Wastewater system or to any other utility through an
20 interlocal agreement with Palm Beach County, once the
21 system is within one-quarter of a mile of any portion of
22 the applicant's property. All on and off site costs
23 associated with extending the wastewater line to the
24 subject property, installing a pump station, and
25 converting from the existing private septic system shall
26 be borne by the property owner.

27 C. A legal description for the parcel depicting the
28 amendment is attached to this ordinance as Exhibit 1.

29 D. A map depicting the amendment is attached to this
30 ordinance as Exhibit 2.

1 **Part II. Effective Date**

2 This amendment shall not become effective until 31 days after
3 adoption. If challenged within 30 days after adoption, this
4 amendment shall not become effective until the state land planning
5 agency or the Administration Commission, respectively, issues a
6 final order determining the amendment is in compliance.

7 **APPROVED AND ADOPTED** by the Board of County Commissioners of
8 Palm Beach County, on the 23 day of April, 1998.

9
10 DOROTHY H. WILKEN

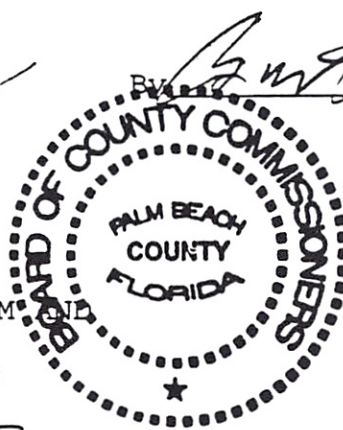
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

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12
13 By: [Signature]
14 Deputy Clerk

15 By: [Signature] Chairman

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20 APPROVED AS TO FORM AND
21 LEGAL SUFFICIENCY

22 [Signature]
23
24 COUNTY ATTORNEY



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27 Filed with the Department of State on the 30th day of
28 April, 1998.

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LEGAL DESCRIPTION:

The north 300 feet of the south 325 feet of the east 183.7 feet of Tract 107 and the north 300 of the south 325 feet of the west 116.3 feet of Tract 108, all in MODEL LAND COMPANY SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, Palm Beach County, Florida. Plat Book 5, at Page 79.

Together with:

A parcel of land in the Southwest 1/4 of Section 20, Township 44 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Southwest corner of said Section 20; thence S.87° 40' 08" E. (all bearings on an assumed Meridian) along the South line of said Section 20 a distance of 843.10 feet; thence N. 01°17'01" E. a distance of 165.00 feet to the Point of Beginning; thence continuing N. 01°17'01" E. at a distance of 175.05 feet; thence S.87°40'08" E. a distance of 318.26 feet; thence S.01°56'06" W. a distance of 296.00 feet, more or less to a point on the northerly future Right-of-Way line of Lake Worth Road; thence N. 87°40'08" W. along said North Right-of-Way line a distance of 214.90 feet; thence N. 01°17'01" E. a distance of 121.00 feet; thence N. 87°40'08" W. a distance of 100 feet to the Point of Beginning. Note: Description is per Warranty Deeds recorded in O.R. Book 3380, Page 1921, Palm Beach County Records.

Less the following Right-of-Way per O.R. Book 8825, Pages 603 & 604, Palm Beach County Records:

A portion of Tract 106, 107, and 108 MODEL LAND COMPANY SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST as recorded in Plat Book 5 page 79 of the Public records of Palm Beach County, Florida described as follows:

Commencing at the Southwest corner of said Section 20; thence south 87°40'08" east along the South line of said Section 20 for a distance of 943.10 feet; thence North 01°17'01" East for a distance of 44.01 feet to the Point of Beginning; thence continue north 01°17'01" East for a distance of 11.00 feet; thence south 87°40'08" East for 484.82 feet; thence North 47°07'59" East for 42.57 feet, to the West Right-of-Way line of Engle Road; thence South 01°56'06" West along said Right-of-Way for 45.21 feet to the North Right-of-Way line of Lake Worth Road; thence North 87°40'08" West along said Right-of-Way for 300.00 feet; thence North 01°56'06" East along said Right-of-Way for 4.00 feet; thence North 87°40'08" West along said Right-of-Way for 214.90 feet to the Point of Beginning. Containing 0.17 acres more or less.

Containing 3.80 of an acre more or less.

Said land situate, lying and being in Palm Beach County, Florida.

GENERALIZED LOCATION MAP

Future Land Use Atlas page 78 is amended as follows:

Application No.: 98-SCA 78 IND 2 (Safe & Secure)

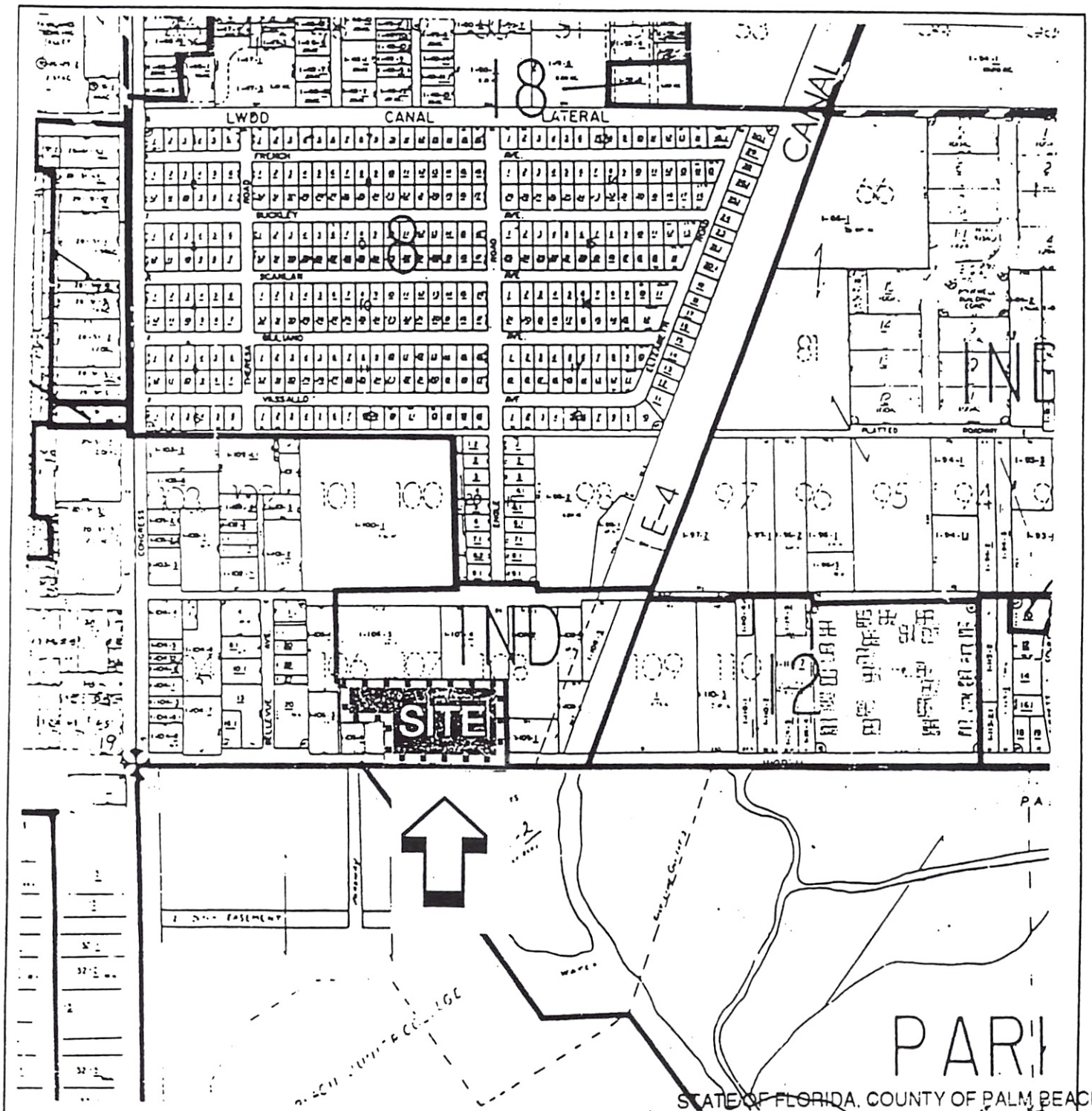
Amendment: Commercial with underlying High Residential 8 (C/8) to Industrial (IND).

General Location: Northwest corner of Lake Worth Road and Engle Road, approximately 1/4 mile East of Congress Avenue.

Size: 3.8 acres

Legal Description: See Exhibit 1

Property Number: 00-43-44-20-01-106-0060



STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, DOROTHY H. WILKEN, ex-officio Clerk of the
 Board of County Commissioners certify this to be a
 true and correct copy of the original filed in my office
 on 4/23/98
 DATED at West Palm Beach, FL on 5/18/98
 DOROTHY H. WILKEN, Clerk